

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**
Case No.: 1:23-cv-20727-RKA

RYAN BRESLOW, et al.,

Plaintiffs,

v.

MARK PHILLIPS, et al.,

Defendants.

**DEFENDANTS' *UNOPPOSED* MOTION TO CONTINUE HEARING ON
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Rule 6(b)(1)(A) and Local Rule 7.1, Defendants Mark Phillips and Benjamin Reed (collectively, “Defendants”) hereby file their *Unopposed* Motion to Continue the Hearing on Plaintiffs’ Motion for Preliminary Injunction. Defendants request a March 23, 2023 hearing date on Plaintiffs’ Motion for Preliminary Injunction, with a revised briefing schedule allowing for Defendants’ opposition to be due by March 16, 2023, and Plaintiffs’ reply memorandum by March 20, 2023. Plaintiffs have consented to the requested relief. In support of this Motion, Defendants state:

1. On February 23, 2023, Plaintiffs Ryan Breslow, Alex Fine, and Jon Gordon (collectively, “Plaintiffs”) filed their Ex Parte Application for Temporary Restraining Order and Order to Show Cause re Preliminary Injunction (Dkt. No. 4). The Application indicates that Plaintiffs’ counsel had at least been retained on February 10, 2023—at least 13 days prior to the filing.

2. Given the complexity of the dispute, Plaintiffs also filed an Ex Parte Motion for Leave to File Memorandum of Law in Excess of the Page Limitation Set Out in Local Rule 7.1(c) (Dkt. No. 8).

3. In sum, Plaintiffs filed approximately 770 pages of pleadings, applications, and supporting documents on February 23, 2023.

4. On February 28, 2023, the Court granted Plaintiffs' Emergency *Ex Parte* Application for Entry of Temporary Restraining Order (the "Order") (Dkt. No. 18), and set a March 16, 2023 hearing date on Plaintiffs' Motion for Preliminary Injunction. The Court also ordered that Defendants' opposition to the Motion for Preliminary Injunction is due by March 9, 2023, and Plaintiffs' reply memorandum in support of the Motion is due by March 13, 2023.

5. Defendants were served with the Order and underlying documents on February 28, 2023, giving them nine days to respond to Plaintiffs' 770-page filing.

6. The Court noted in its Order that the parties may propose a different hearing and briefing schedule. (Order, p. 5.)

7. Defendants' counsel, the Dhillon Law Group Inc., has prior matters that conflict with the schedule set forth in the Order, and have requested a one-week continuance of the hearing date, and briefing schedule. (Two San Francisco-based attorneys at Dhillon Law Group will be filing motions to appear pro hac vice).

8. Defendants have met and conferred with Plaintiffs on their proposed continuance, and Plaintiffs are amenable to the requested one-week continuance of the hearing date, and briefing schedule.

9. Accordingly, Defendants request, and Plaintiffs consent, to the following hearing and briefing schedule:

- a. In person hearing on Plaintiffs' Motion for a Preliminary Injunction on March 23, 2023;
- b. Defendants' response or opposition to the Motion for Preliminary Injunction to be filed and served on Plaintiffs' counsel by March 16, 2023; and
- c. Plaintiffs' reply in support of the Motion for Preliminary Injunction to be filed and served on Defendants' counsel by March 20, 2023.

10. Enlargements of time are permitted with good cause by Federal Rule of Civil Procedure 6(b). Such enlargements of time should be liberally granted absent a showing of bad faith or undue prejudice. *See, e.g., Lizarazo v. Miami-Dade Corrections & Rehab. Dept.*, 878 F.3d 1008, 1012 (11th Cir. 2017) (*citing U.S. v. Miller Bros. Constr. Co.*, 505 F.2d 1031, 1035 (10th Cir. 1974)).

11. Pursuant to S.D. Fla. L.R. 7.6, "upon written notice served and filed at the earliest practical date prior to the trial, pretrial conference, or other hearing, and supported by affidavit setting forth a full showing of good cause, a continuance may be granted by the Court."

12. The extension of time is necessary as Defendants are still in the process of reviewing and investigating the arguments and allegations asserted in relation Plaintiffs' Motion for a Preliminary Injunction. Counsel also requests this extension due to the undersigned's case load, which includes matters pending in both federal and state court, which foreclose lead counsel's ability to appear in person for a March 16, 2023 hearing.

13. Based on the foregoing, pursuant to Fed. R. Civ. P. 6(b)(1)(A), Defendants have demonstrated good cause to continue the hearing and extend the time to respond to Plaintiffs' Motion for Preliminary Injunction. Moreover, no party will be prejudiced by the relief requested in this Motion, and the Motion is not filed for the purposes of delay.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(3)

Pursuant to Local Rule 7.1(a)(3), I hereby certify that counsel for Defendants conferred with counsel for Plaintiffs regarding the relief requested herein. Plaintiffs have consented to the relief requested herein.

Conclusion

For the reasons stated above, Defendants request an order rescheduling the hearing on the motion for a temporary injunction to March 23, 2023, setting a March 16, 2023 deadline for the Defendants to file their response in opposition to the motion and a March 20, 2023 deadline for the Plaintiffs to file their reply in support of the motion.

Respectfully submitted,

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